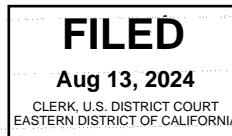


RECEIVED
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

AUG 13 2024



FILED _____
DOCKETED _____
DATE _____ INITIAL _____

1. KENNARD LEE DAVIS #7-75448
2. MCKE CREEK STATE PRISON
3. P.O. BOX 409060
4. JONE, M. 95640
5. INTERVENOR (PROSE)

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
12. JENNIFER CHANDLER ET AL
- 13.
14. PLAINTIFF-ADAMANT
- 15.
16. V.
- 17.
18. JEFFERY MACOMBER ET AL
- 19.
20. DEFENDANT-ADAMANT

CASE NO.
D.C. NO. 1:21-PV-01657-JLT-HBK
NOTICE OF APPEAL OF
JUDGMENT. (P.C. NO. _____) Filed
dated: 5-14-2024. "ORDER" 2024
U.S. DIST. LEXIS # 87164.
NOTICE OF APPEAL OF JUDGMENT
(P.C. NO. _____) Filed dated: 8-2-2024.
"ORDER" U.S. DIST. LEXIS # 136348.

21. TO: UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT.
22. I, (KENNARD LEE DAVIS), INTERVENOR/PROSE WILL NOW MOVE THIS
23. HONORABLE COURT FOR INTERVENOR/PROSE NOTICE OF APPEAL OF JUDGMENT
24. (P.C. NO. _____) Filed dated: 5-14-2024. "ORDER" 2024 U.S. DIST. LEXIS # 87164.
25. NOTICE OF APPEAL OF JUDGMENT. (P.C. NO. _____) Filed dated: 8-2-2024.
26. "ORDER" U.S. DIST. LEXIS # 136348. F.R.A.P. Rule 3 AND Rule 4.
27. AUTHORITY: FUCHER V. CITY OF SANTA ANA 19 F.3d 1040 (9th Cir. 2000)
28. DATE: August 8th 2024 (1) Kennard Lee Davis
INTERVENOR/PROSE

DECLARATION

I, (Kennard Lee Davis), INTERVENOR / PROSE AXED/OA
 BY/OW MENTION DECLARANT IN THE ABOVE MENTION ENTITLED CASE
 AND COURT CASE DEPOSE AND DECLARE AS FOLLOWS:

#1). IN THE ENTITLED CASE AND COURT DECLARANT FILED THE
 (ATTACHED) NOTICE OF APPEAL OF JUDGMENT (PDF NO. _____) FILED
 DATED: 5-14-2024. "ORDER". REQUEST FOR CERTIFICATE OF
 APPEALABILITY. 2024 U.S. DIST. LEXIS #87164 "ORDER" (COURT
 STAMPED FILED DATED: July 1, 2024...

#2). THE ENTITLED DISTRICT COURT HAS FAILED TO MOVE,
 ACKNOWLEDGE AND/OR RULE ON THE INTERVENOR PROSE (ATTACHED)
 MOTION NOTICE OF APPEAL OF JUDGMENT (PDF NO. _____) "ORDER"
 FILED DATED: 5-14-2024. REQUEST FOR CERTIFICATE OF
 APPEALABILITY OF "ORDER" 2024 U.S. DIST. LEXIS #87164
 COURT FILED STAMPED DATED: July 1, 2024.

#3). ON 8/1/2024, THIS ENTITLED DISTRICT COURT "ORDER"
 (PDF NO. _____) U.S. DIST. LEXIS #134348. NOTED ALSO, AT
 CLK #3418381 (E.D. CH. JULY 31, 2024). THIS "ORDER" HAS
 FAILED TO ACKNOWLEDGE THE ABOVE MENTION (ATTACHED)
 NOTICE OF APPEAL OF JUDGMENT. "ORDER" (PDF NO. _____) FILED
 DATED: 5-14-2024. REQUEST FOR CERTIFICATE OF
 APPEALABILITY OF "ORDER" 2024 U.S. DIST. LEXIS #87164.
 COURT FILED STAMPED DATED: July 1, 2024.

#4). DECLARANT NOW (SUBMITTER) THIS NOTICE OF APPEAL OF JUDGMENT.
 (PDF NO. _____) FILED DATED: 5-14-2024. "ORDER". 2024 U.S. DIST. LEXIS
 #87164. NOTICE OF APPEAL OF JUDGMENT. (PDF NO. _____) FILED DATED: 8/1/2024
 ORDER U.S. DIST. LEXIS #134348.

I declare under penalty of perjury the above mention is TRUE/CORRECT.
 DATE: AUGUST 8TH, 2024

(S) Kennard Lee Davis
 DECLARANT / INTERVENOR

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, Davis, Kennard #7-78448, declare:

I am over 18 years of age and a party to this action. I am a resident of M.C.S.P.

Prison,
in the county of Alameda,

State of California. My prison address is: Kennard Lee Davis #7-78448
(M.C.S.P.) P.O. Box 409060, Folsom, CA. 95640.

On 8/8/2024

NOTICE OF APPEAL OF JUDGMENT (ECF NO. 1) FILED DATED: 5-17-22

I served the attached: "ORDER" 2024 U.S. DIST. COURT #87104; NOTICE OF APPEAL
OF JUDGMENT (ECF NO. 1) FILED DATED: 8-21-2024 "ORDER" U.S.
DIST. COURT #134348.
(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

CLERK, U.S. COURT OF APPEALS
FOURTH NINTH CIRCUIT
P.O. Box 193939
San Francisco, CA. 94119-3939

I declare under penalty of perjury under the laws of the United States of America that the foregoing

is true and correct.

Executed on 8-8-2024
(DATE)

Davis, Kennard
(DECLARANT'S SIGNATURE)

KENNARD LEE DAVIS #7-78448

MULE CREEK STATE PRISON

P.O. Box 408060

ZONA, CA. 95640

(PROSE) INTERVENOR

ORIGINAL
FILED

JUL 25 2024

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERKUNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JANINE CHANDLER ET AL CASE NO. 1:21-PV-01657-757-HBK

Plaintiff

V.

CAL. DEPT. OF CORRECTIONS
AND REHABILITATIONS
DefendantsNOTICE TO AMEND; THE
NOTICE OF APPEAL OF
JUDGMENT. (ECF. NO.) FILED
DATED: 5-14-24. NOTICE TO
AMEND (COA)
BLACK V. MC DANIEL (3000)
529 U.S. 473; F.R.A.P. Rule 22(b)TO: THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIAI, (KENNARD LEE DAVIS) INTERVENOR/PROSE will now move this
Honorable Court for NOTICE TO AMEND; THE NOTICE OF
APPEAL OF JUDGMENT FILED DATED: 5-14-24. NOTICE TO
AMEND CERTIFICATE OF APPEALABILITY. (COA).

BLACK V. MC DANIEL (3000) 529 U.S. 473; F.R.A.P. Rule 22(b).

DTS: July 21, 2024

(1) Kennard Lee Davis
INTERVENOR/PROSE

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA 1:21-cv-01657-JLT-HBK

JAVIER CHANDLER ET AL.
KENNARD LEE JAVIS

INTERVENOR (MARK)

v.

CAL. DEPT OF COR. & REHAB

Defendant(s).

CASE NUMBER 1:21-cv-01657-JLT-HBK

PRISONER'S APPLICATION AND
DECLARATION TO PROCEED
IN FORMA PAUPERIS

JUL 25 2024

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

I, (print your name) KENNARD LEE JAVIS, declare under penalty of perjury that I am the ~~prisoner~~ in this case; I believe I am entitled to relief; and I am unable to pay the costs of this proceeding or give security thereof.

In support of this application, I provide true, correct and complete answers to all of the following questions:

1. Are you presently employed in prison? ☐ Yes ☒ No

The number of hours you work per week: 0 The hourly rate of pay: 0

2. For the past twelve months, list the amount of money you have received from any of the following sources.

| | | |
|---|----|----------|
| a. Business, profession or self-employment | \$ | <u>0</u> |
| b. Income from rent, interest or dividends | \$ | <u>0</u> |
| c. Pensions, annuities or life insurance payments | \$ | <u>0</u> |
| d. Disability, Social Security or other government source | \$ | <u>0</u> |
| e. Gifts or inheritances | \$ | <u>0</u> |
| f. Describe any other source of income: <u>0</u> | \$ | <u>0</u> |

3. List the amount for each of the following (include prison account funds):

Cash
on hand \$0Checking
account \$0Savings
account \$0

4. Do you own or have any interest in any real estate, stocks, bonds, notes, retirement plans, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

If Yes, describe the property and state its approximate value:

☐ Yes☒ No

\$

0

1) KENNARD LEE JAVIS #7-14448

2) PALM VALLEY STATE PRISON

3) A.D. BOX 1050

4) SOLEDAD, CA. 93960

5) (PROSE)

ORIGINAL
FILED

JUL 01 2024

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY CLERKUNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

13) JANINE CHANDLER ET AL. CASE NO. 1:21-CV-01657-JLT-HBK

14)

14) PLAINTIFFS

15)

16) V.

17)

18) CAL. DEPT. OF CORRECTIONS

19) AND RELATES

20) DEFENDANTS

NOTICE OF APPEAL OF
JUDGMENT. (P.C.F. NO. _____) FILED
DATED: 5-14-2024. REQUEST FOR
CERTIFICATE OF APPEALABILITY.
2024 U.S. DIST. LEXIS #8716421) TO: THE UNITED STATES DISTRICT COURT JUDGE: JENNIFER L. THURMAN
22) EASTERN DISTRICT OF CALIFORNIA23) I, (KENNARD LEE JAVIS), INTERVENOR/PROSE WILL NOW MOVE THOROUGH
24) HONORABLE COURT FOR INTERVENOR/PROSE NOTICE AND MOTION
25) OF APPEAL OF JUDGMENT ENTERED IN THIS ENTITLED CASE ON
26) MAY 14, 2024. (P.C.F. NO. _____) FILED DATED: 5-14-2024. REQUEST
27) FOR CERTIFICATE OF APPEALABILITY. 2024 U.S. DIST. LEXIS #87164.

28) DATE: JUNE 27, 2024

(1)

KENNARD LEE JAVIS
INTERVENOR/PROSE

ORIGINAL
FILED

MAY 30 2024

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY: DEPUTY CLERK

1. KENNARD LEE JAVIT #7-78448
2. SALINAS VALLEY STATE PRISON
3. P.O. BOX 1050
4. Folsom, Ca. 95660-1050
5. PROSE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11. JAVINE CHANDLER, ET, AL. CASE NO. 1:21-CV-01657-JLT-HBK

13. PLAINTIFFS PROSE INTERVENOR'S MOTION
14. TO MODIFY, AMEND, OR
15. V. ALTER THE JUDGMENT.
16. FRCP RULE 59

17. CAL. DEPT OF CORRECTIONS
18. AND REHABILITATION ET, AL.
20. DEFENDANTS

21. TO: UNITED STATES DISTRICT COURT
22. EASTERN DISTRICT OF CALIFORNIA.

23. I, (KENNARD LEE JAVIT) PROSE/INTERVENOR WILL NOW MOVE
24. THE HONORABLE COURT FOR PROSE INTERVENOR'S MOTION
25. TO MODIFY, AMEND, OR ALTER THE JUDGMENT. (ECF NO. 67,
26. FILED DATED: 5/14/2024. PURSUANT TO: FRCP RULE 59
27. DATED: MAY 27TH, 2024 (1) Kennard Lee Javit
INTERVENOR

ORIGINAL
FILED

APR 22 2024

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEPUTY CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JANIRECHANDER ET AL. CASE NO. 1:21-CV-01657-JLT-HBK

PLAINTIFFS

PROSE REPLY MOTION TO
DEFENDANTS' OPPOSITION TO
PROPOSED INTERVENOR'S
MOTION TO INTERVENE
(REF. NO. 64).CAL. DEPT. OF CORRECTIONS
AND REHABILITATION ET AL.

DEFENDANTS

TO: UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIAI, (KENNARD LEE DAVIS) PROSE/INMATE REQUESTING TO MOVE
THIS HONORABLE COURT FOR PROSE REPLY MOTION TO
DEFENDANTS' OPPOSITION TO PROPOSED INTERVENOR'S
MOTION TO INTERVENE. See Fed. R. Civ. P. 24(c)
AUTHORITY: BECKMAN INDUSTRIES, INC. V. FORT & CO. 966 F.2d 870 (9th Cir. 1992)

DATE: 4/17/2024

(1) Kennard Lee Davis
MOVE

Mule Creek State Prison

Name: Kennard Lee Davis

CDC#: Z.78448

Facility: C Building: A2 Cell: 111

P.O. Box: 404060

lone, CA 95640

PRISON GENERATED MAIL 1/14/19
Mule Creek State Prison
P.O. Box 409060 / S. R.C. 31
lone, CA 95640

US POSTAGE



ZIP 95640 \$ 000.97
02 4W
0000338561 AUG 19 2019

**CALIFORNIA DEPARTMENT OF CORRECTIONS
AND REHABILITATION INDIGENT INMATE MAIL**

Facility Post Office Boxes

| | |
|------------------|-----------------|
| Facility A | P.O. Box 409020 |
| Facility B | P.O. Box 409040 |
| Facility C | P.O. Box 409060 |
| Facility D | P.O. Box 409089 |
| Facility E | P.O. Box 409090 |
| Facility Minimum | P.O. Box 409000 |

CLERK, U.S. COURT OF APPEALS
FOR THE NINTH CIRCUIT
P.O. Box 193939
San Francisco, CA 94119-3939

341193939 8939